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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)

TELEPHONE AND DATA)
SYSTEMS, INC.)

CC Docket No. 94-11

For facilities in the)
Domestic Public Cellular)
Telecommunications Radio)
Service on Frequency Block B)
in Market 715, Wisconsin 8)
(Vernon), Rural Service Area)
Market No. 715)

File No.
10209-CL-P-715-B-88

To: Honorable Joseph P. Gonzalez
Administrative Law Judge

OPPOSITION TO PETITION FOR LEAVE TO INTERVENE

THE SETTLEMENT GROUP,¹ by their attorney, respectfully opposes the Petition for Leave to Intervene filed by Henry M. Zachs d/b/a Massachusetts-Connecticut Mobile Telephone Co. (Zachs) under date of March 18, 1994. The Settlement Group submits that Zachs has failed to establish any basis upon which intervention should be allowed under §1.223(b) of the rules. In opposition thereto, the Settlement Group respectfully shows:

Section 1.223(b) of the rules, upon which Zachs bases his petition for intervention, expressly requires that an

¹ Century Cellunet, Inc., Contel Cellular, Inc., Coon Valley Farmers Telephone Company, Inc., Farmers Telephone Company, Hillsboro Telephone Company, LaValle Telephone Cooperative, Monroe County Telephone Company, Mount Horeb Telephone Company, North-West Cellular, Inc., Richland-Grant Telephone Cooperative, Inc., Vernon Telephone Cooperative, and Viroqua Telephone Company.

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applicant for intervention: (1) "must set forth the interest of petitioner in the proceedings," (2) "must show how such petitioner's participation will assist the Commission in the determination of the issues in question," (3) "must set forth any proposed issues in addition to those already designated for hearing," and (4) "must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition." Zachs' petition is insufficient on all counts.

Zachs claims to be a 3.125% minority partner with a TDS company in the A-band licensee in Evansville, Indiana. Zachs expressly disclaims any knowledge of or opinion as to the designated issues in this case, but expresses concern that the sanctions imposed upon TDS in this proceeding might affect Zachs' interests in Evansville. Evidently, Zachs would like TDS' majority interest in Evansville offered to existing minority partners if TDS is disqualified by reason of these proceedings to continue holding the majority interest in the Evansville license.

However meritorious Zachs' concerns may be, they plainly do not comply with the standards established in §1.223(b) of the rules for intervention as a party. In fact, Zachs admits that he has no interest "in the proceedings" themselves; Zachs simply is interested in the eventual outcome, along with most of the rest of the cellular industry. Zachs also admits that he cannot assist the Commission in the

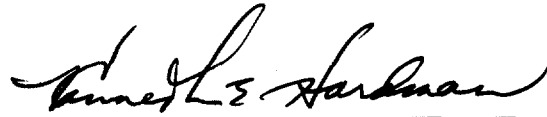
determination of the designated issues, and the issue of their collateral effect in other markets is not properly considered in this case. Finally, Zachs' failure to support his petition with a proper affidavit is sufficient by itself to warrant denial of the petition.

WHEREFORE, THE SETTLEMENT GROUP respectfully requests that the Petition for Leave to Intervene filed by Henry M. Zachs be denied in all respects.

Respectfully submitted,

CENTURY CELLUNET, INC.
CONTEL CELLULAR, INC.
COON VALLEY FARMERS TELEPHONE
COMPANY, INC.
FARMERS TELEPHONE COMPANY
HILLSBORO TELEPHONE COMPANY
LAVALLE TELEPHONE COOPERATIVE
MONROE COUNTY TELEPHONE COMPANY
MOUNT HOREB TELEPHONE COMPANY
NORTH-WEST CELLULAR, INC.
RICHLAND-GRANT TELEPHONE
COOPERATIVE, INC.
VERNON TELEPHONE COOPERATIVE
VIROQUA TELEPHONE COMPANY

By



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March 29, 1994

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of March, 1994, served the foregoing OPPOSITION TO PETITION FOR LEAVE TO INTERVENE upon Administrative Law Judge Joseph P. Gonzalez and upon all parties of record and applicants for intervention by hand delivery or by mailing a true copy thereof, first class postage prepaid, to all such parties or their attorneys, as shown on the following list:

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